

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHAN JEROME ELLIS,

Plaintiff,

No. CIV S-03-1938 LKK CMK P

vs.

MIKE KNOWLES, et al.,

Defendants.

ORDER

Currently before the court is defendants' request for an extension of time to a reply to plaintiff's objections to the findings and recommendations filed March 3, 2005. In support of their request, defendants argue that, in his objections plaintiff cites a recently decided case, Ngo v. Woodford, No. 03-16042, 2005 WL 674707 (9th Cir. March 24, 2005), which may not continue to have precedential value if the Ninth Circuit grants rehearing en banc.

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1 Despite what may happen in the future, Ngo is currently the binding precedent in this circuit and  
2 the court declines to suspend activity in this case until a time when that may change.

3 IT IS ORDERED that defendants' request for an extension of time is denied.  
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5 DATED: April 27, 2005  
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7 /s/ CRAIG M. KELLISON  
8 Craig M. Kellison  
9 UNITED STATES MAGISTRATE JUDGE  
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